

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 16, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-20477 - APPLICANT/OWNER: LAS VEGAS VALLEY WATER DISTRICT**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. The hours of operation shall be limited to 10:00am to 10:00pm.
2. Alcohol sales shall be conducted only in conjunction with food service.
3. Conformance to the conditions Site Development Plan Review (SDR-1465), except as amended herein.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code, and will be restricted to operation as a Restaurant with Service Bar.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a Liquor Establishment (Tavern) at 317 South Valley View Boulevard. This use will take place within the Visitors Center of the Springs Preserve. The applicant seeks to operate a less intense Restaurant with Service Bar; however, this use is not permitted in the C-V (Civic) zone. Therefore, the applicant must request the more intense Liquor Establishment (Tavern) that is allowed in this zoning district with a Special Use Permit. Staff recommends approval of the aforementioned waivers as the proposed Liquor Use (Tavern) is located deep within an 80-acre parcel designated as a historic site as well as a C-V (Civic) zoning district. The location of the proposed site demonstrates that the applicant has made every attempt to shield the protected uses from any impact. The proposed Liquor Establishment (Tavern) is located on an 80 acre parcel, and the building containing the proposed use is in excess of 1,500 feet from all but one of the protected parcels.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/01/92	The City Council approved a rezoning (Z-0026-92) to the C-V (Civic) zoning district on the subject site as part of a larger request. The Planning Commission recommended approval on 05/28/92.
03/03/93	The City Council approved a request for a Plot Plan approval [Z-0026-92(1)] of a proposed Water District office. The Planning Commission recommended approval on 02/11/93.
02/07/01	The City Council approved a request for a Site Development Plan Review [Z-0026-92(4)] of the Master Plan for a proposed 110-acre public use facility, including approximately 266,100 square feet of building area for a visitor center, interpretive center, museum, research area, garden support, and administrative offices for the Las Vegas Valley Water District. The Planning Commission recommended approval on 12/21/00.
05/02/01	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(5)] for Phase 1, including a 26,600 square foot pumping station building, of an approved 110-acre public use facility (Las Vegas Springs Preserve) on 175.58 Acres located on the east side of Valley View Boulevard, between Alta Drive on the south and the US 95 Highway on the north.
07/10/01	The Planning and Development Department administratively approved a request for an Administrative Site Development Plan Review [Z-0026-92(6)] for streetscape improvements generally located along Valley View Boulevard between Alta Drive and US-95, and along Alta Drive from Valley View Boulevard eastward 1,350 feet, adjacent to the subject site.

12/07/01	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(7)] for a proposed 33,997 square-foot garden support facility consisting of five buildings located adjacent to the northeast corner of Alta Drive and Valley View Boulevard.
01/18/02	The Planning and Development Department administratively approved a request for an administrative Site Development Plan Review [Z-0026-92(8)] for a proposed 54,500 square foot desert living center consisting of four buildings located adjacent to the northeast corner of the intersection of Alta Drive and Valley View Boulevard.
01/02/03	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-1465) for a proposed 75,032 square foot visitor's center in conjunction with the Las Vegas Springs Preserve.
06/12/03	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-2258) for trails, canopies, armadas, an interpretive pavilion and displays in conjunction with the Las Vegas Springs Preserve, located adjacent to the northeast corner of the intersection of Alta Drive and Valley View Boulevard.
12/21/06	The Planning Commission approved a request for a Master Sign Plan (MSP-18047) for an Approved Government Facility on the subject site. Staff recommended approval.
04/26/07	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #75/rl).
<b><i>Related Building Permits/Business Licenses</i></b>	
05/10/05	Building Permits issued under Plan Check number C-0204-03 for the Springs Preserve Visitor Center administration building, gardens and playground on the subject site.
05/10/05	Building Permits issued under Plan Check number C-0051-03 for the Springs Preserve on the subject site.
10/05/05	Building Permits under Plan Check number C-0289-03 for the Springs Preserve Trails
01/13/06	Building Permits issued under Plan Check number L-4057-05 for a Las Vegas Centennial Marker on the subject site.
02/22/07	Building Permits under Plan Check number C-0277-03 for the Springs Preserve Garden Support Facilities
03/15/07	Building Permits issued under Plan Check number C-0600-06 for the Solar Array Parking Shade Structures and Electrical on the subject site.

<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was not held for this application.	

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application.	

<b><i>Field Check</i></b>	
03/26/07	A field check was conducted to verify the locations of protected uses in relation to the subject site, including Churches, Child Care Centers, Schools, and City Parks.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	80.48

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Springs Preserve (Under Construction)	PF (Public Facility)	C-V (Civic)
North	Springs Preserve (Under Construction)	PF (Public Facility)	C-V (Civic)
South	Southern Nevada Water Authority	PF (Public Facility)	C-V (Civic)
East	Undeveloped, Single-Family Residential	PF (Public Facility) DR (Desert Rural Density Residential)	C-V (Civic), R-E (Residence Estates)
West	Regional Mall, Office, Utility, Single-Family Residential	SC (Service Commercial) L (Low Density Residential)	C-1 (Limited Commercial) R-1 (Single-Family Residential)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	NA
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
C-V Civic District	X		Y
A-O Airport Overlay District	X		Y
H Historic Designation	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## DEVELOPMENT STANDARDS

Title 19.08.050 stipulates that the development standards, including parking and landscaping requirements, for a project in a Civic District shall be established upon approval of a Site Development Plan, and that setback and other standards are not automatically applied. In reviewing the project for conformance with generally-accepted development standards, all proposed structures will have adequate setbacks from property lines, and lot coverage for the development will be minimal.

<i>Standard</i>	<i>Provided</i>
Lot Size	180 acres
Lot Width	1,300 Feet
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	965 Feet 337.43 Feet 572.85 Feet 580.58 Feet
Min. Distance Between Buildings	60 Feet
Trash Enclosure	Screened
Mech. Equipment	Screened

<i>Parking Requirement</i>		
	<i>Provided</i>	
	<i>Parking</i>	
	Regular	Handicapped
Lot 1	210	9
Lot 2	159	0
Lot 3	99	17
<b>TOTAL</b>	493	
Bus Parking (Lot 3)	8	

<i>Standards</i>	<i>Required</i>		<i>Provided</i>
	<i>Ratio</i>	<i>Trees</i>	
Parking Area	1 Tree/6 Spaces	99 Trees	100 Trees
Buffer: Min. Trees	1 Tree/30Linear Feet	38 Trees	38 Trees
• Min. Zone Width Street Side Interior	15 Feet 8 Feet		15 Feet 8 Feet

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
An 80-foot distance separation from an existing Church at 3844 Meadows Lane.	1,500 -foot distance separation.	Approval
1,150-foot distance separation from an existing school at 4105 West Bonanza Road.	1,500 -foot distance separation.	Approval
1,250-foot distance separation from an existing City Park at the southwest corner of Fulton Place and Northstar Street.	1,500 -foot distance separation.	Approval
1,400-foot distance separation from an existing Child Care Center at 853 South Valley View Boulevard.	1,500 -foot distance separation.	Approval
1,400-foot distance separation from an existing City Park at 720 Twin Lakes Drive.	1,500 -foot distance separation.	Approval
1,400-foot distance separation from an existing Church and Child Care Center at 3050 Alta Drive.	1,500 -foot distance separation.	Approval

Staff recommends approval of the aforementioned waivers as the proposed Liquor Use (Tavern) is located deep within an 80-acre parcel designated as a historic site as well as a C-V (Civic) zoning district. The location of the proposed site demonstrates that the applicant has made every attempt to shield the protected uses from any impact. The proposed Liquor Establishment (Tavern) is located on an 80 acre parcel, and the building containing the proposed use is in excess of 1,500 feet from all but one of the protected parcels, a Church located at 3844 Meadows Lane. The parcel which includes this Church is located 1,230 feet from the actual Tavern Site on the subject parcel. Further, an existing Beer/Wine/Cooler On-Sale establishment is located on the same parcel as the Church, directly between the Church and the proposed use. In addition, the School at 4105 West Bonanza Road and the City Park at 720 Twin Lakes Drive are separated from the proposed use by U.S. 95. Therefore, staff recommends approval of these waivers.

## ANALYSIS

- **Zoning**

The C-V (Civic) zone is intended to provide for the continuation of existing public uses and the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. The subject use is to be located within the Visitor Center on the site of the Springs Preserve, a public park owned by the Las Vegas Valley Water District. The Liquor Establishment (Tavern) use is permitted in the C-V zone with a special use permit.

- **Use**

The Liquor Establishment (Tavern) use is defined in Title 19.02 as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

- **Conditions**

The following conditions are required for a Special Use Permit for the Liquor Establishment (Tavern) use, pursuant to Title 19:

1. Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
3. For the purpose of Requirement 2, and for that purpose only:
  - a. The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
  - b. The “property line” of a liquor establishment (tavern) refers to:
    - i. The property line of a parcel that has been created by an approved land recorded parcel map or commercial subdivision map; or
    - ii. The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:

- A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;
  - B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;
  - C. All parking spaces required by this Table 2 and LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
  - D. The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
4. The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
5. The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern ) that:
- a. Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;
  - b. Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;
  - c. Will be located with in a regional mall; or
  - d. Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.
- \*6. The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.



The subject site fails to meet the distance separation requirements as measured from property line to property line, as a result of the 80 acre size of the subject site upon which the proposed Liquor Establishment (Tavern) is to be located. These waivers are appropriate as the subject use is located within a C-V zone as well as a designated historic district.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses. While the subject use requires numerous Waivers for distance separation, it should be noted that the proposed Liquor Establishment (Tavern) is located on an 80 acre parcel, and the building containing the proposed use is in excess of 1,500 feet from all but one of the protected parcels.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is an 80-acre historical site, with the proposed use operating within a previously approved visitor center. Staff recommends approval as the proposed Liquor Establishment (Tavern) is a typical compliment to this type of site, and staff finds the location suitable for this use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the subject site is via Valley View Drive, an 80-foot collector street on the Master Plan of Streets and Highways, and is adjacent to the U.S. 95 Freeway. Staff recommends approval as these roads are suitable for the use and intensity proposed on the subject site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Staff recommends approval as the proposed use will be subject to Title 6.50 and will require appropriate licenses and inspections, and therefore will not compromise the public health, safety, or welfare, nor will it compromise the overall objectives of the General Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Liquor Establishment (Tavern) is located deep within an 80-acre parcel designated as a historic site as well as a C-V (Civic) zoning district. However, because of the size of this parcel, several protected uses are within 1,500 feet of the perimeter, and the applicant requests waivers of the distance separation requirements. The location of the proposed site demonstrates that the applicant has made every attempt to shield the protected uses from any impact. The only protected use within 1,500 feet from the actual site of the Liquor Establishment (Tavern) is co-located on a parcel with an existing Beer/Wine/Cooler On-Sale establishment. The existing alcohol use is located directly between the Church and the subject site. Therefore, staff recommends approval of these waivers and this Special Use Permit.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 3

**NOTICES MAILED** 646 by City Clerk

**APPROVALS** 0

**PROTESTS** 2